

JOURNAL OF THE SENATE

TUESDAY, APRIL 30, 1929

The Senate convened at 11 o'clock A. M., pursuant to adjournment on Monday, April 29, 1929.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

A quorum present.

Prayer by the Chaplain.

The reading of the Journal was dispensed with.

The Journal of April 29, 1929, was corrected as follows:

Page 5, column 2, between the words "and" and "of" insert the figure "3."

And as corrected was approved.

REPORT OF ENROLLING COMMITTEE

Senator Dell, Chairman of the Joint Committee on Enrolled Bills on the part of the Senate, submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 30, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Joint Committee on Enrolled Bills, to whom was referred—

(Senate Bill No. 68):

An Act to amend Section two of Chapter 12245, Laws of Florida, Acts of 1927, entitled "An Act defining the time when Registration Books in Counties having population of not less than eighteen thousand five hundred (18,500) and not more than nineteen thousand (19,000) inhabitants, according to the last State census, shall be kept open in the office of the supervisor of registration and prescribing the duties and compensation of the registration officers therein."

Also—

(Senate Bill No. 104):

An Act to dedicate and set aside certain lands owned by the City of Lake City, Florida, lying on the West side of State Highway No. 2 in Columbia County, Florida, for park and beautification purposes.

Also—

(Senate Bill No. 98):

An Act to abolish the Municipality of Orlo Vista, in Orange County, Florida, and to repeal Chapter 13190 of the Special Acts of the Legislature for the year 1927. "An Act to create and establish the City of Orlo Vista in Orange County, Florida; to provide for its government; to designate its mayor and council, provide for their successors in office, and to prescribe their duties and powers; to provide for the levy of taxes and the issuance of bonds; to define the boundaries, jurisdictions, franchises, powers."

Also—

(Senate Bill No. 134):

An Act authorizing the Board of County Commissioners of Marion County, Florida, if they deem the same necessary and expedient, to use and expend not exceeding \$60,000.00 of the road funds of said county for paying any part of the principal of or interest on the bonded indebtedness of said county.

Also—

(Senate Bill No. 232):

An Act authorizing and empowering the City of Tallahassee, a municipal corporation, to acquire, improve, maintain and operate airports, aviation terminals and landing fields; to let, lease and grant privileges thereon to others; to issue bonds for the purpose of purchasing and improving airports, aviation terminals and landing fields under certain conditions.

Also—

(Senate Bill No. 119):

An Act recognizing, granting and confirming power and authority in the County of Escambia to purchase from the United States that portion of Santa Rosa Island authorized to be sold by the Act of Congress, Chapter 54, Approved March 12, 1926, declaring such power to have existed at the time of and ever since

the passage of said Act authorizing said county of Escambia to hold and retain and use or to permit by license, lease or otherwise the use of said land only for public purpose in accordance with Section 7 of said Act of Congress and with the Act of Congress, Chapter 883, Approved May 29, 1928, and ratifying, validating and confirming all Acts and proceedings of the Board of County Commissioners of Escambia County heretofore had or done relative to the purchase, acquiring title to and the present and future use of said property for public purposes.

Also—

(Senate Bill No. 121):

An Act authorizing the County of Escambia to issue and sell negotiable interest bearing time warrants in an amount not to exceed \$10,000.00, the proceeds to be used for the purchase from the United States of that portion of Santa Rosa Island authorized to be sold by the Act of Congress, Chapter 54, approved March 12, 1926; to require the levy of taxes to pay the interest upon, and to create a sinking fund for the payment of the principal of said time warrants and to authorize the validation of said time warrants under the laws of this State.

Also—

(Senate Bill No. 183):

An Act to repeal Chapter 10881, Laws of Florida, Approved June 11, 1925, entitled: "An Act to prohibit the sale of bonds by all official boards of Marion County for a sum less than Ninety-five Cents on the Dollar of the principal amount of such bonds and in addition thereto all accrued interest thereon to date of delivery to purchaser, and providing for notice of such sale and terms thereof."

Also—

(Senate Bill No. 191):

An Act authorizing the Board of County Commissioners of Marion County, Florida, to pay from any County Road Bond Funds of said County the cost of constructing a Public Road running north and south on the boundary line between Sections 34 and 35, between Sections 26 and 27, and between Sections 22 and 23, all in Township 12 South, Range 19 East, in lieu of and instead of the construction of a proposed Road parallel with the Road above described on the western boundary line of Marion County, authorized by an Election for County Road Bonds held in said County December 15th, 1925.

Also—

(Senate Bill No. 238):

An Act relating to qualification of Electors in the City of DeLand, Volusia County, Florida.

Also—

(Senate Concurrent Resolution No. 9):

A Resolution upon the death of Brigadier General Joseph Clifford Reed Foster, the Adjutant General of Florida, on June 18th, 1928.

Also—

(Senate Concurrent Resolution No. 10):

A Resolution for the control of the Mediterranean Fly.

Also—

(Senate Bill No. 141):

An Act to further provide for and maintain the Dade Memorial Park, and to make appropriation therefor.

Also—

(Senate Bill No. 184):

An Act authorizing the Board of County Commissioners of Marion County, Florida, to issue interest bearing time warrants in the amount of not exceeding \$50,000.00, maturing as said Board may determine, for the purpose of paying any interest and/or principal which may hereafter become due upon any bonds issued by said county.

Also—

(Senate Bill No. 146):

An Act to authorize the County Commissioners of Escambia County to issue and sell bonds of said county to the amount of forty thousand dollars (\$40,000.00) for the purpose of repairing and hard-surfacing the public road in said county known as the Jackson Road leading from a point on the Pensacola-Barrancas Public Road near the Half Way House in a northerly direction to State Road No. 1 at West Pensacola and the public road leading from said Jackson Road to the United States Naval Flying Field with the necessary bridges and drainage structures and to author-

ize the sale of said bonds at public or private sale at not less than par, and to provide for a sinking and interest fund and to provide for and require the levy each year for such fund sufficient to pay the interest upon and the principal of said bonds as same become due.

Also—

(Senate Bill No. 147):

An Act authorizing the County of Escambia to issue and sell negotiable interest-bearing time warrants in an amount not to exceed fifteen thousand dollars (\$15,000.00), the proceeds to be used for the purpose of completing construction of the public road in said county known as West Pensacola-Millview-Lillian Bridge Road, and culverts and bridges thereon, and hard-surfacing said road; to require the levy of taxes to pay the interest upon, and to create a sinking fund for the payment of the principal, of said time warrants, and to authorize the validation of said time warrants under the laws of this State.

Also—

(Senate Bill No. 214):

An Act extending and enlarging the time for payment of city taxes assessed by the City of DeLand for the Year 1928.

Also—

(Senate Bill No. 230):

An Act legalizing, validating, ratifying and confirming a contract for the purchase and sale of electric energy between the City of Tallahassee, a Municipal Corporation under the Laws of the State of Florida and West Florida Power Company, a Corporation created and existing under and by virtue of the Laws of the State of Florida, bearing date 21st day of December, A. D. 1928, fixing the rates and conditions and restrictions of Service; to provide for the holding of a referendum election to determine whether said contract shall be extended to a period of ten years from its date; and repealing all laws or parts of laws in conflict herewith.

Also—

(Senate Bill No. 122):

An Act authorizing the issuance or search warrants by the Mayor's Court of the Town of Crestview, Florida, the service of same, and for the giving of bond by the administrative officer serving such warrants.

Also—

(Senate Bill No. 231):

An Act to fix the territorial limits of the City of Tallahassee, a Municipal Corporation, and to provide for the annexation of certain additional territory to said city upon the terms and conditions and subject to the regulations prescribed in this Act; and to preserve any existing obligations on the part of Leon County and/or the State Road Department with reference to hard surfacing or paving certain state and/or County Roads in said territory.

Have examined the same and find them correctly enrolled.

The same having been duly signed by the Speaker and Chief Clerk of the House of Representatives, we herewith present the same for the signature of the President and Secretary of the Senate.

Very respectfully,

J. MAXEY DELL,

Chairman of the Joint Committee on Enrolled Bills on the Part of the Senate.

The Bills and Resolutions contained in the above report were thereupon duly signed by the President and Secretary of the Senate in open session and ordered referred to the Joint Committee on Enrolled Bills on the part of the Senate, to be conveyed to the Governor for his approval.

REPORTS OF COMMITTEES

Senator Swearingen, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 30th, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred:

Senate Bill No. 284:

A bill to be entitled An Act to amend Section 2854 of the Compiled General Laws of Florida of 1927, same being Sections 1303 of the Revised General Statutes of Florida of 1920, same being Section 1 of Chapter 717 of the Acts of 1855, relating to the fees of County Surveyor.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

JOHN J. SWEARINGEN,

Chairman of Committee.

And Senate Bill No. 284, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Senator Swearingen, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 30th, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred:

Senate Bill No. 135:

A bill to be entitled An Act to repeal Chapter 12290, of the Acts of the Legislature, session of 1927, which Chapter is entitled: "An Act to amend Sections 2507, 2508, 2510, 2512, 2513 and 5670 of the Revised General Statutes of Florida, to increase the powers of the State Board of Accountancy and to empower the said Board to promulgate and enforce rules and regulations for the practice of public accountancy in Florida; to provide that the violation of certain rules or regulations promulgated by the said Board be a misdemeanor, and to prescribe penalties therefor."

Have had the same under consideration, and recommend that the same do not pass.

Very respectfully,

JOHN J. SWEARINGEN,

Chairman of Committee.

And Senate Bill No. 135, contained in the above report, was placed on the table.

Senator Swearingen, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 30th, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred:

Senate Bill No. 279:

A bill to be entitled An Act relative to fire insurance; directing fire insurance companies to furnish blanks for proofs of loss; providing the effect of failure to furnish same; requiring copies of this Act to be furnished the assured which is to be considered a part of the policy contract; and declaring conditions in policies in violation of this Act to be void and of no effect.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

JOHN J. SWEARINGEN,

Chairman of Committee.

And Senate Bill No. 279, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Senator Swearingen, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 30th, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred:

Senate Bill No. 304:

A bill to be entitled An Act to amend Section 2782 of the Revised General Statutes of Florida, of 1920, the same being Section 4460 of the Compiled General Laws of Florida, 1927, relating to the number of jurors to serve at the term of the County and Criminal Court in this State.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

JOHN J. SWEARINGEN,

Chairman of Committee.

And Senate Bill No. 304, contained in the above report, was placed on the Calendar of Bills on Second Reading.

Senator Swearingen, Chairman of the Committee on Judiciary "B", submitted the following report:

Senate Chamber,

Tallahassee, Fla., April 30th, 1929.

Hon. J. J. Parrish,

President of the Senate.

Sir:

Your Committee on Judiciary "B", to whom was referred:

Senate Bill No. 267:

A bill to be entitled An Act to validate and confirm certain

deeds given between parties occupying certain relationships of debtor and creditor.

Have had the same under consideration. and recommend that the same do pass.

Very respectfully,

JOHN J. SWEARINGEN,

Chairman of Committee.

And Senate Bill No. 267, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Hodges, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:

Your Committee on Appropriations, to whom was referred:

Senate Bill No. 296:

A bill to be entitled An Act to fix the compensation of the Commissioners appointed by the Governor of the State of Florida under Chapter 12039, Acts of 1927, Laws of Florida, relating to the Compilation and Publication of the Compiled General Laws of 1927, and making an appropriation to pay the same.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

WM. C. HODGES,

Chairman of Committee.

And Senate Bill No. 296, contained in the above report, was placed on the Calendar of Bills on second reading.

Mr. Hodges, Chairman of the Committee on Appropriations, submitted the following report:

Senate Chamber,
Tallahassee, Fla., April 30, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:

Your Committee on Appropriations, to whom was referred:

Senate Bill No. 264:

A bill to be entitled An Act to further provide for maintaining the battlefield and monument at Natural Bridge, and to make appropriation therefor.

Have had the same under consideration, and recommend that the same do pass.

Very respectfully,

WM. C. HODGES,

Chairman of Committee.

And Senate Bill No. 264, contained in the above report, was placed on the Calendar of Bills on Second Reading.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Waybright—

Senate Bill No. 315:

A bill to be entitled An Act amplifying and extending the jurisdiction and powers of the City of South Jacksonville, a Municipal Corporation in Duval County, Florida, and generally amending its charter.

Which was read the first time by its title, and placed on the Calendar of Local Bills on the second reading without reference.

By Senator Waybright—

Senate Bill No. 316:

A bill to be entitled An Act enlarging the powers of the Bureau of Vital Statistics, providing for the registration with said bureau of births or deaths occurring prior to the Act Creating the bureau and the filing of certificates of births or deaths that were not filed at the time of birth or death as provided in said Act.

Which was read the first time by its title and referred to the Committee on Public Health.

By Senator Caro—

Senate Bill No. 317:

A bill to be entitled An Act to grant certain rights in certain water front property in the City of Pensacola.

Which was read the first time by its title and placed on the Calendar of Local Bills on the second reading without reference.

By Senator Caro—

Senate Bill No. 318:

A bill to be entitled An Act relating to the collection of State, County and Municipal taxes.

Which was read the first time by its title and referred to the Committee on Finance and Taxation.

By Senators Swearingen and Whitaker—

Senate Bill No. 319:

A bill to be entitled An Act to amend Section 7065 of the Compiled General Laws of Florida, of 1927, being Section 4977 of the Revised General Statutes of Florida of 1920, relating to disposition of proceeds of life insurance policies.

Which was read the first time by its title and referred to the Committee on Judiciary "A."

By Senator Bell—

Senate Bill No. 320:

A bill to be entitled An Act to amend Section 2772, Revised General Statutes of Florida, pertaining to the selection of lists and qualifications of jurors to serve in the several courts of the State of Florida.

Which was read the first time by its title and referred to the Committee on Judiciary "C."

By Senator Whitaker—

Senate Bill No. 321:

A bill to be entitled An Act designating the person who shall approve criminal bonds in all cases where the charge is a felony; prescribing the requirements and conditions to be fulfilled and complied with before the approval of such bonds, and requiring the issuance of certificate by the judge approving said bonds; requiring the clerk of the circuit court to record said certificates; providing that the record of certificates shall constitute a lien against the real estate described therein, and prescribing the manner of enforcing said lien as well as the manner of satisfying and cancelling of said lien, also providing the amount to be charged for the approval of said bonds and recording of said bonds and providing for the attorney's fee in the event of foreclosure.

Which was read the first time by its title and referred to the Committee on Judiciary "A."

By Senator Futch—

Senate Bill No. 322:

A bill to be entitled An Act relating to conditional sale contracts.

Which was read the first time by its title and referred to the Committee on Judiciary "A."

MESSAGE FROM THE GOVERNOR

The following communication from the Governor was received and read:

State of Florida, Executive Department.
Tallahassee, Fla., April 30, 1929.

Hon. J. J. Parrish,
Capitol.

Sir:

I have caused to be placed on the desk of the several Senators a chart showing the operation of the measures on finance as related to the several counties.

I respectfully invite each Senator to study this chart as it relates not only to his district, but to the State as a whole.

Respectfully yours,

DOYLE E. CARLTON,

Governor.

Mr. Futch moved that Senate Bills Nos. 31 and 149 be recalled from the committees on Judiciary "B" and Judiciary "A" respectively.

Which was agreed to and so ordered.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., April 29, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

House Bill No. 188:

A bill to be entitled An Act authorizing the County Board of Public Instruction of any county which has prior to April 1st, A. D. 1929, issued bonds of any Special Tax School District of such county not exceeding fifty thousand dollars for legal school purposes within said district which bonds are invalid because they do not mature in annual installments of not less than three per cent of the total amount of such issue as provided by law, to issue and sell not more than fifty thousand dollars of time warrants against any such Special Tax School District for the purposes for which such invalid bonds were issued; and providing for payment of the principal and interest of such time warrants out of the special tax school fund of such district; and pledging

the taxable property in said special tax school district for the payment of the said time warrants and the interest thereon.

Also—

House Bill No. 446:

A bill to be entitled An Act to make an appropriation for maintaining and keeping in order the grounds adjacent to and belonging to the site of the Marianna Monument Park, and for the proper care and protection of the monument; and to provide for the payment of such appropriation.

Also—

House Bill No. 462:

A bill to be entitled An Act providing for the drawing and summoning of jurors in the county courts in certain counties.

And respectfully requests the concurrence of the Senate therein.

Very respectfully,

FRANK WEBB,

Chief Clerk, House of Representatives.

And House Bill No. 188, contained in the above message, was read the first time by its title.

Mr. Council moved that the rules be waived and that House Bill No. 188 be read a second time by its title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 188 was read a second time by its title only.

Mr. Council moved that the rules be further waived and that House Bill No. 188 be read a third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 188 was read a third time in full.

Upon call of the roll on the passage of the bill the vote was:

Yeas—Mr. President; Senators: Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—37.

Nays—None.

So the Bill passed, title as stated.

And the same was ordered to be certified to the House of Representatives under the rule.

And House Bill No. 446, contained in the above message, was read the first time by its title and referred to the Committee on Appropriations.

And House Bill No. 462, contained in the above message, was read the first time by its title and referred to the Committee on Judiciary "C."

Also—

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., April 29, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate Amendment to—

House Concurrent Resolution No. 8:

Memorializing Congress for immediate action to suppress what is known as the Mediterranean Fruit Fly in Florida.

Very respectfully,

FRANK WEBB,

Chief Clerk, House of Representatives.

The following message from the House of Representatives was received and read:

House of Representatives,
Tallahassee, Fla., April 29, 1929.

Hon. J. J. Parrish,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

Senate Concurrent Resolution No. 8:

Relating to the death of Hon. John Christian Luning.

Very respectfully,

FRANK WEBB,

Chief Clerk, House of Representatives.

And Senate Concurrent Resolution No. 8, contained in the above message, was referred to the Committee on Enrolled Bills.

The hour having arrived for the consideration of the notice for the reconsideration of the passage by the Senate of Senate Bill No. 40, it was taken up, and further consideration of the same was temporarily passed over and the motion made a continuing order.

Mr. Wagg moved that the Senate now take up the special consideration of Senate Joint Resolution No. 89.

Which was agreed to by unanimous consent.

And Senate Joint Resolution No. 89 was taken up and read the third time in full as follows:

SENATE JOINT RESOLUTION No. 89

A Joint Resolution proposing an Amendment to Article IX of the Constitution of the State of Florida, relative to Taxation and Finance, to be known as Section 12 of Article IX.

Be It Resolved by the Legislature of the State of Florida:

That the following amendment of Article IX of the Constitution of the State of Florida to be known as Section 12 of said Article IX be, and the same is hereby agreed to and shall be submitted to the electors of the State of Florida at the general election to be held on the first Tuesday after the first Monday in November, 1930, for ratification or rejection.

Section 12. For a period of fifteen years from the beginning of operation, all industrial plants now or hereafter engaged primarily in the manufacture of steel vessels, automobile tires, fabrics and textiles, wood pulp, paper, paper bags, fiber board, automobiles, automobile parts, aircraft, aircraft parts, and the refining of sugar and oils, and including by-products of derivatives incident to the manufacture of any of the above products, shall be exempt from all taxation, and the Legislature may exempt from taxation other new industrial plants for a like period of time.

The exemption herein authorized shall not apply to real estate owned and used by such industrial plants except the real estate occupied as the location required to house such industrial plants and the buildings and property situated thereon, together with such lands as may be required for warehouses, storage, trackage, and shipping facilities and being used for such purposes.

Upon call of the roll on the passage of the resolution, the vote was:

Yeas—Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

Nays—None.

So the Joint Resolution passed by the Constitutional three-fifths majority of all the members elected to the 1929 Senate of the Legislature of the State of Florida.

Mr. Howell moved to waive the rules and that the action of the Senate be immediately certified to the House of Representatives.

Which was agreed to by a two-thirds vote and the same was ordered to be certified to the House of Representatives immediately.

Senate Bill No. 58:

A bill to be entitled An Act to provide compensation for employees for disability or death from injury arising out of and in the course of employment, and for other purposes.

Being read the second time at the hour of adjournment on Thursday, April 25th, was taken up for consideration, and, was read the second time in full:

Mr. Wagg offered the following amendment to Senate Bill No. 58:

In Section 44, strike out paragraph (a) and paragraph (b), and insert in lieu thereof the following: There is hereby created a commission to be known as the Florida Industrial Commission composed of three (3) members, one of whom is to be appointed as Chairman who shall devote his entire time to the duties of the Commission; the second (2) shall be the State Comptroller; the third (3) shall be the State Treasurer. The Governor shall appoint the Chairman of the Commission for a term of four years. Upon the expiration of such term or in the event the Chairman resigns or is removed from the office, the Governor shall appoint a successor for the expiration of his term. The salary of said Chairman shall be Four Thousand Five Hundred Dollars a year. The salary of said Chairman shall be paid out of the funds established in Section 50 of this Act.

Mr. Wagg moved that the amendment be adopted.

Which was agreed to.

And the amendment was adopted.

Mr. Wagg offered the following amendment to Senate Bill No. 58:

In Section 2, paragraph (5), (printed bill), strike out the words: The term "injury" means injury or death arising out of and in the course of employment, and such disease or infection as

naturally or unavoidably results from such injury, and includes an injury caused by the willful act of a third person directed against an employee because of employment, and insert in lieu thereof the following: The term "injury" means personal injury or death by accident arising out of and in the course of the employment, and such disease or infection as naturally or unavoidably results from such an injury, and includes an injury caused by the willful act of a third person directed against an employee because of his employment.

Mr. Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58:

In Section 38 (a), Paragraph (1), Line 2, insert the following: After the word "association" add "or exchange."

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58:

In Section 36 (a), line one, strike out the words "Ten" and insert in lieu thereof the following: "Thirty".

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58:

In Section 38 (b), line 2, between the words "association authorized" insert the following: "or exchange".

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Mr. Wagg offered the following amendment to Senate Bill No. 58:

Strike out Section 13 (a) and insert in lieu thereof the following:

Section 13 (a). The employer shall furnish medical, surgical, and other attendance or other remedial treatment, nursing and hospital service, medicine, crutches, and apparatus for such period as the nature of the injury or the process of recovery may require, when the treatment required is not surgical the injured employee shall have the right to choose any mode of treatment lawfully practiced in this State. If the employer fails to provide the same, after request by the injured employee, such injured employee may do so at the expense of the employer. The employee shall not be entitled to recover any amount expended by him for remedial treatment or services, unless he shall have requested the employer to furnish the same and the employer shall have failed or refused or neglected to do so, or unless the nature of the injury required such treatment, nursing and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide the same; nor shall any claim for medical, surgical or other remedial treatment be valid and enforceable, as against such employer, unless within twenty days following the first treatment the physician or practitioner giving such treatment furnish to the employer and the commission a report of such injury and treatment on a form prescribed by the commission.

Mr. Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Mr. Wagg offered the following amendment to Senate Bill No. 58:

In Section 19 (printed bill), at end of Paragraph "D," following words "of such suit," add the following: "but in such an event the employer shall be allowed a credit of his actual cost, of defending said suits in a sum not exceeding \$250.00 (Two Hundred and Fifty Dollars) which shall be deducted from any compensation allowed or awarded to said employee under this Act."

Mr. Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58.

In Section 27, Paragraph "B" (printed bill), after the words Second Judicial District add the following: or at the election of either litigant by the Circuit Judge or Judges of and Circuit where the action originates.

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58.

In Section 20, Paragraph "F" (printed bill), strike out the word ten and insert in lieu thereof the following: twenty.

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58.

In Section 52 insert the following: After the last line in Paragraph (b) add Paragraph (c): "The cost of administration for any one year shall not exceed the sum of twenty-five thousand (\$25,000.00) dollars."

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58:

In Section 9, sub-section B, line 3, after the word "railroad" insert the following: "or express companies".

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Wagg offered the following amendment to Senate Bill No. 58:

In Section 13 (a), Committee Amendment No. 6, after the word "require" insert the following: "provided that such medical, surgical and other attendance or other remedial treatment, nursing and hospital services shall not extend beyond ninety days, and provided the cost of such shall not exceed \$300.00, and provided further that the Commission, may, in its discretion, extend such treatment to 150 days, in which event the limit of \$300.00 may be increased to \$500.00."

Senator Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Mr. Wagg offered the following amendment to Senate Bill No. 58:

In Section 2, paragraph (1), line 3, strike out the words: "three," and insert in lieu thereof the following: "five."

Mr. Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Mr. Wagg offered the following amendment to Senate Bill No. 58:

In Section 9, add thereto paragraph (e) as follows: (e) This Act shall not apply to municipal corporations, and/ or persons employed thereby, who operate and maintain an Employees Pension Fund, or Funds, and/ or Group Insurance, for its employees, whether the said employees contribute thereto or not, if the said Employees Pension Fund, or Funds, and/ or Group Insurance, is operated, maintained or procured under legislative authority, insofar as it affects employees so protected.

Mr. Wagg moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senator Bell offered the following amendment to Senate Bill No. 58.

In Section 2, paragraph (1) (printed bill), strike out the words "State and all political subdivisions thereof and all public and quasi-public corporations therein."

Senator Bell moved the adoption of the amendment.

Which was agreed to.

And the amendment was adopted.

Senate Bill No. 58 was made a continuing special order as unfinished business.

Mr. Scales moved that the Senate do now go into Executive Session.

Upon which a roll call was demanded, and upon call of the roll the vote was:

Yeas—Mr. President, Senators Anderson, Bell, Council, Dell, Futch, Glynn, Harrison, Hinely, Howell, Irby, Johns, Knabb, Malone, Mitchell, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Young—25.

Nays—Senators Adams, Caro, Gary, Hodges, King, McCall, Neel, Phillips, Wagg, Watson, Waybright, Welsh, Whitaker—13.

So the motion was agreed to.

And at 12:40 p. m., the Senate closed its doors and went into Executive Session.

At 1:13 o'clock p. m., the Senate emerged from Executive Session and resumed its regular session.

The President in the chair.

The roll was called and the following Senators answered to their names:

Mr. President, Senators Adams, Anderson, Bell, Caro, Council, Dell, Futch, Gary, Glynn, Harrison, Hinely, Hodges, Howell, Irby, Johns, King, Knabb, Malone, McCall, Mitchell, Neel, Phillips, Putnam, Rowe, Scales, Singletary, Stewart, Swearingen, Taylor, Turnbull, Turner, Wagg, Watson, Waybright, Welsh, Whitaker, Young—38.

A quorum present.

The hour of adjournment having arrived, a point of order was raised and the Senate stood adjourned at 1:15 o'clock p. m., until 11:00 o'clock a. m., Wednesday, May 1, 1929.

CONFIRMATION

The Senate today confirmed the following appointments by the Governor:

Robert W. Bentley, W. A. Shands, G. D. Perkins, and Ernest R. Graham, as members of the State Road Department of the State of Florida.